

REMARKS

Applicants request reconsideration of the above-identified application. Claims 1, 2, 6-11, 14, 28-30, 32-36, 38-41, and 43-50 were pending in this application, with Claim 45 being withdrawn from consideration. Claims 1, 28, 32, 38, 47, and 48 have been amended, Claims 9 and 49 have been canceled, and Claims 51-55 have been added. Therefore, Claims 1, 2, 6-8, 10, 11, 14, 28-30, 32-36, 38-41, 43-48, and 50-55 are now pending in this application.

Claims 1, 2, 6-11, 14, 28-30, 32-36, 38-41, 43, 44, and 46-48 stand rejected under 35 U.S.C. § 103(a). Claims 49 and 50 have been indicated as allowable if rewritten in independent form. Applicants thank the Examiner for the indication of allowable subject matter.

Applicants submit that all claims are now in condition for allowance. Accordingly, reconsideration and allowance of all pending claims is respectfully requested.

Allowable Subject Matter

Claims 49 and 50 have been indicated as allowable. Again, applicants thank the Examiner for this indication of allowable subject matter. Applicants have amended Claim 1 to include the limitations of allowable Claim 49 and intervening Claim 9. Applicants have also amended Claims 28, 32, 38, 47, and 48 to include what applicants believe to be allowable subject matter.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 6-8, 10, 11, 14, 28-30, 32-36, 38, 43, 44, and 46-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4834552, issued to Makowka (hereinafter "Makowka"), in view of U.S. Patent No. 3265287, issued to Hovland (hereinafter "Hovland"). In addition, Claims 9, 39, and 40 stand rejected as being unpatentable over Makowka in view of Hovland, and further in view of U.S. Patent No. 3650463, issued to Christiansen et al. (hereinafter "Christiansen"). Moreover, Claim 41 stands rejected as being

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

unpatentable over Makowka in view of Hovland, and further in view of U.S. Patent No. 4607749, issued to Jacob (hereinafter "Jacob").

As mentioned above, applicants have amended Claim 1 to include the limitations of allowable Claim 49 and intervening Claim 9, obviating the rejections. Applicants have also amended 28, 32, 38, 47, and 48 to include what applicants believe to be allowable subject matter directed to "a tear initiating portion," for example, nicks 112 (see, e.g., FIGURES 1 and 2) or a tab 248 (see, e.g., FIGURE 5). The cited references, whether alone or in combination, fail to teach or suggest a tear initiating portion, such as nicks or a tab. Accordingly, applicants request withdrawal of the claim rejections.

CONCLUSION

In view of the foregoing remarks, applicants submit that all claims are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to contact the undersigned representative.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Emily C. Peyser
Registration No. 59,844
Direct Dial No. 206.695.1634

ECP:ejh/nfs

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100